

## REMARKS

Applicant's counsel thanks the Examiner for the careful consideration given the application. The Examiner's objections and the references cited have been carefully considered.

## **CLAIMS**

Claim 1 has now been amended to more clearly define the invention. Support is found in old claims 1 and 6, and in the specification at page 2 lines 19-21. Claim 6 has been amended, claim 7 has been cancelled and new claims 8-15 have been added to the set of claims. No new matter has been added. Support for new claims 6 and 8 can be found in old claims 1, 6 and in the specification in page 2 lines 19-21. Support for new claim 9 is found in old claim 2; support for new claim 10 is found in old claim 4; support for new claim 11 is found in old claim 5; support for new claims 12-13 is found in original claims 1, 7 and in the specification on page 3 lines 2-6; support for new claim 14 is found in old claim 4, and support for new claim 15 is found in old claim 5.

The expression "a tubular label winding drum" in old claim 1 has been substituted (in new claims 1, 6, and 12) by the expression "the tubular label winding drum" in order to overcome the objections indicated in point 8 of the Office action.

## **NOVELTY (Section 102)**

With respect to present claim 6 as now amended, US 4594123 (Eder) does not disclose at least the following technical features:

- 1) A drum around which the tubular label is formed and adapted to support the bottle to be labelled on an upper base;
- 2) A drum able to be vertically translated in order to take the bottle inside the formed tubular label;
- 3) Stopper members of a lower label edge placed at a pre-established height from the bottle bottom when the bottle is housed on the tubular label winding drum, the stopper members having to be such as to allow the vertical bottle translation during the bottle transfer step into the formed tubular label and to guarantee an elastic adaptation condition to the external and variable bottle surface;
- 4) Stopper members of the lower label edge comprising a plurality of small vertical walls arranged on a collar adapted to be secured to the upper base of the winding drum, the

small vertical walls elastically adhering on the top to the external surface of the bottle to create a stop on which the lower label edge abut.

In order to avoid unnecessary repetitions, as regards steps 1, 2 and 3, please make reference to the reply to the first Office action, filed on December 21, 2009. As regards step 4, applicant notes that in the most recent Office action, the lugs 27 have been identified by the Examiner with the stopper members of the claim. The lugs 27 of Eder (which are used to center the rotary plate 9 in the holes 28) are not elastic elements and they cannot elastically adhere on the top to the external surface of the bottle to create a stop on which the lower label edge abuts (as indicated in amended claims 1 and 6). In fact, in Eder, the bottle and the lugs are placed on opposite side of the rotary plate 9.

In view of the above, claim 6 as now amended is novel with respect to Eder. With respect to claim 1, claim 1 now coincides with the combination of claims 6 and 7. Consequently, if claim 6 is novel, claim 1 is also novel.

With respect to new claim 12, Eder does not disclose at least the following technical features:

- 1) A drum around which the tubular label is formed and adapted to support the bottle to be labelled on an upper base;
- 2) A drum able to be vertically translated in order to take the bottle inside the formed tubular label;
- 3) Stopper members of a lower label edge placed at a pre-established height from the bottle bottom when the bottle is housed on the tubular label winding drum, the stopper members having to be such as to allow the vertical bottle translation during the bottle transfer step into the formed tubular label and to guarantee an elastic adaptation condition to the external and variable bottle surface;
- 4) The stopper member providing for two vertical pins of a predetermined height that can be fixed to the upper base of the winding drum or to a bracket equipped with at least two movements along Cartesian axes, the vertical pins supporting a bracket on which limit switches being radially secured and getting in contact with the bottle to determine a bearing plane of the lower edge of the tubular label.

In order to avoid unnecessary repetitions, as regards steps 1, 2 and 3, please make reference to the reply to the first Office action, filed on December 21, 2009. With respect to step 4, in the last Office action, the lugs 27 have been identified by the Examiner with the stopper members of

old claim 1. The lugs 27 of US 4594123 (which are used to centre the rotary plate 9 in the holes 28) are fixed to a lower base of a rotary plate and in this way cannot get into contact with the lower edge tubular label (see Fig. 4 of the '123 patent). Also, the lugs 27 do not develop radially in order to get in contact with the bottle or to determine a bearing plane for the lower edge.

### **NON OBVIOUSNESS (Section 103)**

As evidence of non-obviousness, the present invention faces and solves the technical problem of positioning a label at a predetermined distance from the bottom of a bottle. In order to solve this problem, claim 1 as it has now been amended provides stopper members that are in contact or very close to the wall of the bottle in order to abut the lower edge of the tubular label during the vertical movement of the drum for placing the bottle inside the tubular label (this common problem is solved using different structural elements by the device of claim 1, by the device of claim 6 and by the device of claim 12). Eder faces the problem of position a label at a predetermined distance from the bottom of the bottle and this problem is solved gluing the tubular label directly to the bottle in the final position (see Fig. 4 of the '123 patent).

Consequently the stopper members of amended claims 1, 6, 12 are not present in Eder. In fact, in the device of Eder, the label is formed directly on the bottle and it is not a pre-formed tubular label into which the bottle is inserted (during the vertical movement of the drum) and consequently, there is no necessity to abut the label at a predetermined distance from the bottom of the bottle.

Consequently, independent claims 1, 6 and 12 are clearly patentable over the prior art. The remaining claims are dependent claims and are accordingly allowable by reason of their dependency. In view of the present amendment, it is now believed that the application is in condition for allowance, which is respectfully requested. If any further fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No.

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Respectfully submitted,  
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